

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO: 5:09-CV-3-RLV-DCK**

WORKING CHEMICAL SOLUTIONS,)	
INC., and ROBERT C. SMITH,)	
Plaintiffs,)	
v.)	
)	ORDER
ENVIRONMENTAL SCIENCE)	
TECHNOLOGIES, LL., HANK PARKER,)	
ROBERT E. HULSLANDER, JR., and)	
IVAN HAWTHORNE,)	
)	
Defendants.)	

THIS MATTER IS BEFORE THE COURT on the parties’ “Consent Motion to Consolidate Actions” (Document No. 11) filed on February 3, 2009. This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b) and immediate review is appropriate. Having considered the record, including the consent motion, the undersigned will *grant* the motion for the following reasons:

Rule 42(a) of the Federal Rules of Civil Procedure provides:

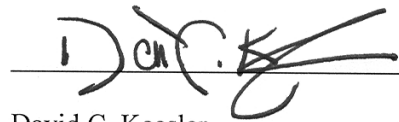
- (a) Consolidation. If actions before the court involve a common question of law or fact, the court may:
 - (1) join for hearing or trial any or all matters at issue in the actions;
 - (2) consolidate the actions; or
 - (3) issue any other orders to avoid unnecessary cost or delay.

In their joint motion, the parties assert that the present action involves a dispute as to the parties’ rights and obligations under the “Sale and Purchase Agreement and Guaranty Release” (“Agreement”), as well as claims of defamation and tortious interference with business expectancy.

The parties further assert that a second action pending in this judicial district concerns alleged breach of the same Agreement, as well as claims under the North Carolina Trade Secret Protection Act and Unfair and Deceptive Trade Practices Act. These two cases appear to involve common questions of law and fact, and therefore, consolidation would promote judicial efficiency. The parties also assert that the two cases are in similar stages of litigation. In fact, the record reflects that a “Motion to Stay Action and Compel Arbitration” is currently pending in the second action. Hence, consolidation may avoid unnecessary delay and cost.

IT IS, THEREFORE, ORDERED that the “Consent Motion to Consolidate Actions” (Document No. 11) is **GRANTED**; the Clerk of Court is directed to consolidate the instant case with *EST, LLC, Successor-in-Interest to Environmental Science Technologies, LLC v. Robert C. Smith, Individually, and Working Chemical Solutions, Inc.*, Case Co. 5:08-cv-32.

Signed: February 5, 2009



David C. Keesler
United States Magistrate Judge

